

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

MAR 20 2007

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY BS DEPUTY

THURMAN HARVEY HINES, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
MIKE MULLIN, Warden, )  
 )  
Respondent. )

No. CIV-07-196-W

**ORDER**

On February 23, 2007, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this matter and recommended that the Court dismiss this matter without prejudice if petitioner Thurman Harvey Hines fails to pay the filing fee to the Clerk of the Court within the suggested time. Hines was advised that he could object to the Report and Recommendation, but he has not done so.

Upon de novo review of the record, the Court concurs with Magistrate Judge Argo's finding that Hines has sufficient funds to pay the filing fee of \$5.00 and thus, should not be permitted to proceed without prepayment of that fee.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on February 23, 2007;
- (2) DENIES Hines' Motion for Leave to Proceed in Forma Pauperis file-stamped February 15, 2007;
- (3) ORDERS Hines to pay the filing fee in the amount of \$5.00 within twenty (20) days of the date of this Order; and
- (4) ADVISES Hines that if he fails to pay the filing fee in full to the Clerk of the Court

within that twenty (20) day period, the Court shall dismiss this matter without prejudice to refiling.

ENTERED this 20<sup>th</sup> day of March, 2007.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE